

## THE TILTON-BEECHER TRIAL.

## FOUR WITNESSES IN THE CHAIR.

TESTIMONY OF SAMUEL DWIGHT PARTRIDGE, EDWARD J. WRIGHT, MRS. ELIZABETH LA PIERRE PALMER, AND BENJAMIN F. TRACY—THE MEMORANDUM ACCOMPANYING THE CHECK FOR \$7,000—MR. TILTON'S COMMENTS SOON AFTER THE WOODHULL PUBLICATION—HIS RELATIONS TO MRS. WOODHULL AT HER OFFICE AND AT HER HOUSE—REMARKABLE TESTIMONY OF A CLAIRVOYANT—MR. TRACY'S EARLY CONNECTION WITH THE CASE.

The cross-examination of Samuel Dwight Partridge was finished yesterday. The defense then called as witnesses Edward J. Wright, Mrs. Elizabeth La Pierre Palmer, of Montmorency, S. C., and Benjamin F. Tracy. Mrs. Palmer testified in reference to Mr. Tilton's relations with Mrs. Woodhull in 1871, and the origin of the *Golden Age*. The Court adjourned 10 minutes before the usual time at the request of Mr. Beach, who will not be present to-day. Mr. Beach said that for personal reasons he had intended to cross-examine Mr. Tracy, and he hoped some arrangement could be made to defer the examination. Mr. Tracy's examination will, however, be continued to-day, and the cross-examination will be begun as soon as Mr. Beecher returns.

## AUDIENCE, CASHIER, AND MEMORANDUM.

The audience was small yesterday. In the forenoon the court-room was not full. The occupants of the gallery frequently deserted their seats, which were taken by new-comers, and in this manner the elements of the audience shifted during the day. After Mrs. Palmer had taken the stand, the news flew from mouth to mouth that a woman was testifying, and in the afternoon the number of spectators was larger than before recess. There were many ladies in the court-room; there were three rows of them to the right of the defendant's counsel. Mr. and Mrs. Beecher arrived in their carriage before 11 o'clock and entered the court-house by the Livingston entrance. Comparatively few persons had assembled to stare at them. In the court-room Mr. Beecher sat in his usual place, most of the time attending closely to the proceedings. Mrs. Beecher leant her head on her hand and studied the countenances of those around her. Her usual expression was that of great earnestness, but occasionally her pale face would light up with a smile at some witty remark of the lawyers. The air was close and warm in the court-room, and during the session one man fainted and was carried out.

The cross-examination of Mr. Partridge by Mr. Beach was opened with questions in reference to the yellow slip of paper containing the words: "Spoils from new friends for the enrichment of old," which accompanied the Bowen check of deposit for \$7,000 in 1872. The witness described the drawer in which he had placed the check and the slip of paper. He said he did not recollect whether the check and the slip of paper had come fastened together or not. After the paper had been in the drawer for some time he took it out, folded it, and put it in his pocket-book, without telling any member of the firm about it. An amusing scene occurred when Mr. Beach asked the witness to take out his pocket-book and replace the paper in it in the compartment which it had occupied after being taken from the drawer. Mr. Partridge did not recollect ever telling any member of the firm that such a paper had accompanied the Bowen check until two or three weeks ago, when he told Jeremiah F. Robinson about it. He had shown it to his wife and children, and one or two other persons, soon after the publication of the statements in relation to the scandal last Summer.

Mr. Partridge was also questioned about his alleged conversation with Mr. Moulton. When he first took the stand in the morning, he said he desired to correct the statement which he made last Friday in regard to the time when the conversation took place. It was in 1871 instead of 1872. He had had another conversation with Mr. Moulton about the scandal about two years before he left the firm of Woodruff & Robinson, which was on Dec. 31, 1874. The witness was not present at the conversation in 1871, but that was the only conversation with Mr. Moulton in which the number of Spiritualists had been mentioned. The re-direct examination of Mr. Partridge by Mr. Evans drew from him the fact that he had been educated for the law. Soon afterward he asked the witness a question to which the latter began to respond in his customary wandering manner.

"Will you stop, Sir?" exclaimed Mr. Beach, and then added ironically, "you know you are a lawyer." "I ought not to have brought that up against me," replied the witness smiling.

During the course of his cross-examination Mr. Partridge manifested a tendency in answering questions to branch out into collateral matters, and Mr. Beach more than once asked Judge Neilson to instruct the witness to confine his answers to the questions.

## MR. TILTON'S REMARKS ON THE WOODHULL PUBLICATION.

Edward J. Wright, a resident of Greenwich, Conn., was the next witness for the defense. Before the examination was begun, Mr. Evans offered in evidence a letter from Mr. Tilton to Mr. Davis, dated at the office of *The Golden Age*, Sept. 18, 1871. In this letter Mr. Tilton asked the recipient and his wife to read his "Life of Victoria Woodhull," and to give him their impression of it. He said that he had understood rather than overestimated the facts in that book. Mr. Wright testified that he had known Theodore Tilton by sight for eight years. On Nov. 4, 1872, soon after the publication of the Woodhull article, which he had read, he took a train from Concord, N. H., for New York. Soon after leaving Concord, Mr. Tilton entered the train and sat down near him. Another gentleman came in and sat down by Mr. Tilton's side. This gentleman asked Mr. Tilton about the Woodhull scandal. The latter replied that he had seen it in an Eastern paper, but said that he cared nothing for it himself, but that Mrs. Tilton was in delicate health and he feared for its effect upon her.

Mr. Beach, in cross-examining this witness, said that he understood the conversation in the cars referred to was in reference to a speech made in Boston by Mrs. Woodhull about Mr. Beecher and Mrs. Tilton. The witness said he distinctly recollected that Woodhull and *Cliff's Weekly* was mentioned in that conversation, and that it referred to the Woodhull scandal. During the cross-examination of Mr. Wright, Mr. Beach consulted with Mr. Tilton two or three times. The latter was busily writing during a large part of the day.

## A CLAIRVOYANT'S VIEWS OF LIFE AT MRS. WOODHULL'S.

There was a murmur of curiosity when a woman of very striking appearance was conducted to the chairs at the next witness for the defense. She was of middle age, and was apparently weakened by sickness. She was dressed in a seal-skin sacque, and wore a straw bonnet adorned with long streamers of a brilliant red. Her dark hair was cut short, her features were firm and strong but pleasing in expression, and she had a very sweet, musical voice. She was examined by Mr. Rheauman. She gave her name as Elizabeth La Pierre Palmer. She had pursued the profession of a landscape artist and had resided at Montmorency, L. C. At present she was staying with friends in this city. She had been married twice. She was divorced from her former husband, Herbert Daniels, in 1868. In 1874 she was married to her present husband, Frederick Augustus Palmer, an eclectic physician of New-York. She had formerly, she said, resided in New-York, where she manufactured and sold ladies' stockings-suspenders of her own invention. She occupied a part of Mrs. Woodhull's office in the Spring of 1871. She there met Mr. Tilton in February, 1871. She had heard Mrs. Woodhull and Mr. Tilton talk about the projected publication of *The Golden Age*. The substance of their conversation was

that Mr. Tilton was to start *The Golden Age*, and run it together with Woodhull and *Cliff's Weekly* in connection with the Spiritualism movement. It was to be a radical paper, taking up all the radical questions of the day. Mr. Tilton had asked the witness to be an agent for his new paper, but she had refused. She saw Mr. Tilton at Mrs. Woodhull's office two or three times a day, during part of February and during March and April, 1871. She saw Mr. Tilton go to lunch with Mrs. Woodhull at least six times. Several times she heard Mrs. Woodhull say to him, "Come, Theodore, let us go out to lunch." They called each other "Theodore" and "Vickey." She also saw Mr. Tilton taken into the back parlor, which was not thrown open to ordinary guests, and four times she saw him in Mrs. Woodhull's bedroom, sitting at a desk, and either talking or writing. Mr. Tilton treated Mrs. Woodhull very affectionately, and it was his common habit to put his arm around her. She had heard Mrs. Woodhull talk of Mr. Tilton's becoming the head of the Spiritualists. Perhaps the most remarkable portion of Mrs. Palmer's testimony was in reference to a conversation which she had heard between Mrs. Woodhull and Mr. Tilton about the scandal. On that occasion Mr. Tilton had told Mrs. Woodhull that his wife was as pure as snow, and that the scandal was not true.

The cross-examination of Mrs. Palmer was conducted by Mr. Beach, who was somewhat taken aback when, having asked a question relative to her husband's business, she turned to Judge Neilson and appealed to the Court, saying that that had no relation to this case, and unless the Court compelled her she would refuse to answer. "That is not the first time," she had been refused by a lady," said Mr. Beach, smiling. She was obliged to go on. The cross-examination developed the fact that Mrs. Palmer was a medium, and had assisted her husband as a clairvoyant by making examinations of patients. The skillful lawyer led her on until she became interested in telling about her powers, and the counsel, jurymen, and audience listened with lively interest. She said she could, when in the proper condition, to a great extent, read the secrets of other lives—the acts which they had done. She announced her belief that around every human soul there was a band of guardian spirits, and that no evil influences can reach that soul, unless God opens the cordon of guarding spirits. She believed that no human soul was responsible for its acts, except that it would be responsible if it did not pray for the Divine assistance that could be had for the asking. Mr. Beach smiled when the witness announced that she saw a spirit standing near him.

"Is it a good or a bad one, for I should like to know?" he asked. She replied that it was a young lady—his daughter. "Well, I've had one of that kind," replied the lawyer, his face reddening. Mrs. Palmer went on to give her views about marriage and divorce. She said she was not a free lover, but believed that when a married man and woman found that they were totally incompatible, and couldn't possibly live happily together they should be divorced. The witness proceeded at great length to explain her peculiar ideas of spiritualism to the audience, and talked so earnestly that her auditor paid close attention. She insisted on telling what she knew in her own way, and could not be made to entangle herself in contradictions. She repeated in substantially the same language what she had before said about *The Golden Age*, and the relations of Mr. Tilton and Mrs. Woodhull. She admitted that Mr. Tilton's familiarity with Mrs. Woodhull must have been seen by Col. Blood and Stephen Pearl Andrews, since they were neither open nor concealed. She said she believed in the God of the Christians and in the Lord Jesus Christ, although she held some peculiar views about the relation of the latter to the Father.

Near the close of the session, Benjamin F. Tracy was called and sworn as a witness for the defense. His examination, conducted by Mr. Evans, had preceded only a little way, when the Court adjourned until 11 a. m. to-day, at the request of Mr. Beach, who will not be present to-day, and who wished to consult with Mr. Fullerton in relation to the cross-examination of Mr. Tracy.

## THE PROCEEDINGS—VERBATIM.

## SAMUEL D. PARTRIDGE RECALLED.

The Court met at 11 a. m., pursuant to adjournment. Samuel D. Partridge was recalled and his cross-examination resumed.

Mr. Beach—Mr. Partridge, on your examination the other day you spoke of a check which was handed to you.

The Witness [rising]—Will you excuse me? I wish to correct a mistake that I fell into, as I understand, on Friday.

A Juror—A little louder. Judge Neilson—Sit down, Mr. Partridge. Make your correction, Sir.

The Witness—As I understand, I stated that I believed that it was in 1872; I should have said 1871. I don't know how—I must have misapprehended the question, I think.

A Juror—We can't hear. Mr. Beach—The substance is: "As I understand, I stated on Friday that it was in 1872; it was in 1871. I must have misapprehended the question."

The Witness—The publication of the biography was the matter, I think.

Mr. Shearman—The publication of the "Life of Mrs. Woodhull."

THE APPEARANCE OF THE BOWEN CHECK.

Mr. Beach—When you were examined before, Mr. Partridge, you spoke of a check which was handed to you as the cashier of the firm of Woodruff & Robinson?

A. Yes, Sir.

Q. What was the amount of that check? A. \$7,000; I recollect right.

Q. Who drew it? A. It was signed, I think, by H. C. Bowen—Mr. Bowen's check, I think.

Q. You knew Mr. Bowen, didn't you? I knew him by sight, Sir; I hadn't any acquaintance with him.

Q. You knew him very well by reputation? A. Yes, Sir.

Q. Can you recollect the precise form of the signature?

A. I do not, Sir.

Q. You think it was H. C. Bowen's? A. It was the same check that was handed to me the other day, and credited to Mr. Bowen.

Q. I didn't ask you that. A. I think that was the check.

Q. What? A. I don't recollect that I looked particularly at the signature.

Q. Credited, did you say, to Mr. Henry C. Bowen? A. It was credited to Mr. Tilton.

Q. You said to Henry C. Bowen a moment ago? A. Well, I made a mistake.

Q. Made a mistake? And it was payable to Mr. Tilton, you say? A. That is as I understand it; yes, Sir.

Q. Well, are you quite sure of that, or whether it was indorsed over to Mr. Tilton? A. Mr. Tilton was an indorser on it.

Q. Well, was he the first indorser? A. I would not be sure, Sir.

Q. What? A. I won't be sure how that was; I didn't look attentively at that part of it the other day. It might have been drawn by somebody else to the order of Mr. Bowen; I could not say certain; I don't remember.

Mr. Evans—Mr. Partridge, I think you will find it, perhaps, convenient to speak a little louder when you know that the jury cannot understand you.

The Witness—Yes, Sir.

Mr. Beach—Do you recollect how the check was indorsed? A. I recollect that Mr. Tilton was an indorser on it, and Woodruff & Robinson were indorsers on it; as to any other—there may have been one other, but I don't remember who it was.

Q. Was it indorsed by Woodruff & Robinson when it was presented to you? A. No, not when it was presented to me; it was when it was presented to Mr. Tilton.

Q. And there were two apartments in the drawer? A. There were two apartments in the drawer.

back part of it was not divided; there were two in that sense.

Q. And the check, I understand, you put in the front apartment of the drawer? A. Yes, Sir.

THE SHAPE IN WHICH THE CHECK AND YELLOW PAPER CAME.

Q. And this yellow paper you put in the back portion of the drawer? A. In the back portion; that is, according to my recollection.

Q. Were the two papers, the yellow paper and the check, attached together in any form when you received them?

A. I don't recollect, Sir, whether they were or not.

Q. Don't recollect whether they were or not. Well, can't you recollect, Sir, whether they came to you annexed, and that you undertook to separate them?

A. I do not; I know that they came to me at the same time.

Q. That ain't the question I put to you. A. And by the same hand.

Q. Well, one moment, Sir. The question I put to you was whether you can not recollect whether or not these papers came to you annexed, and that you assumed to separate them?

A. I don't remember.

Q. If a check with a memorandum came to you in your business, did you assume the authority to separate them?

A. I don't remember in this matter whether—anything how they came, relative to each other, except that they were handed to me at the same time.

Q. You are not now, Sir, answering my question, and I am going to continue my question to the question I put to you. I ask you whether, as the cashier of a business firm, when a check came into your hands with a memorandum attached to it, as cashier, would assume, without direction, to separate them and put them apart?

A. I don't recollect, Sir, that any such occurrence ever happened.

Q. Would you consider it in the line of your duty to do that? A. I should consider it wouldn't be expected if a thing came attached to a check that I should deposit that, unless it was a part of the check.

Mr. Beach [to the Court]—I don't know, Sir, as to this witness, whether he purposely avoids answering my question, and answers matters which are not pertinent or responsive, but I assume, if your Honor please, that I have a right to ask instructions from your Honor to him, that he should answer the question I put to him.

Judge Neilson—Mr. Partridge, the duty of the witness is to attend to the very question put, and answer it as closely and directly as you can.

The Witness—I will do so, your Honor.

Judge Neilson—When you cannot answer it, say you cannot.

Mr. Beach—Please attend, then, to this question. The Witness—I will, Sir.

Q. When you, as the cashier of that firm, received a check with a memorandum annexed to it, would you connect it in the line of your duty to separate those two papers and place them apart?

A. Well, Sir, isn't it proper for me to say that I have no recollection that any such occurrence ever happened, and how can I tell how I should act?

Q. You cannot tell how you should act? A. If no such thing ever happened—

Q. You could not tell, then, that you have no sense of business propriety and duty, then? A. If I—

Q. I am asking you, Sir, whether, as a business man, and trusted cashier of a firm, when a check came to you with a memorandum annexed to it, from a partner of the firm, you would consider it your province to separate those two papers and put them apart?

A. Well, I don't know, Sir.

Q. You don't know whether you would consider it your duty or not? A. I don't know.

Q. Did you do that on this occasion, with this check and memorandum? A. I don't remember whether they came pinned together—fastened together, or not; I don't remember.

Q. Well, Mr. Partridge, refreshing your recollection by your sense of duty and your practice, cannot you say whether or not they were attached when they came to your hands? A. I cannot, Sir; I don't remember.

Q. Well, Sir, you put the check in the front apartment of the drawer, and the memorandum in the back part of the drawer? A. Yes, Sir; they were separate then.

Q. What? A. They were separate then, at that time.

Q. Well, I should suppose so, Sir. [Laughter.] It is not necessary that you should swear to it. How long did the check remain where you placed it in the front part of the drawer? A. Well, I think that I deposited that the same day, Sir.

Q. You think you deposited that the same day? A. I think I did.

Q. Cannot you tell by reference to your books? A. I can't tell, Sir.

Q. From an examination of the books? A. From an examination of the bank book, and see if I deposited the \$7,000 check that day. It is not likely I had more than one.

Q. Well, is there any memorandum upon your books by which you can tell upon what day you received the check? A. Yes, Sir.

Q. What? A. I can.

Q. Have you examined them? A. I have; I looked.

Q. What? A. I did.

Q. Can you tell, then, from that examination of the entries upon the book when you received it? A. On the 5th day of April, if I recollect right.

Q. On the 5th day of April? A. I think so.

Q. Do the books so declare? A. I recollect so.

Q. You think so. A. It has been some time—

Q. Have you any recollection whether or not you did deposit it on the day you received it? Have you any present recollection of that circumstance? A. Without reference to the book I cannot tell you, Sir.

Q. You could not tell? A. No, Sir.

A HISTORY OF THE YELLOW PAPER.

How long did this piece of yellow paper remain in the back apartment of the drawer before you took it and put it in your pocket-book? A. It is impossible for me to say exactly, but I should think not a great while.

Q. Well, two or three days or a week. How long? A. Well, I cannot tell.

Q. Sir? A. According to the impression that I have—

Q. Just answer my question. A. I will.

Mr. Beach—No, he is not answering.

Mr. Evans—According to his impression, he says.

Mr. Beach—Yes. According to your recollection how many days—what length of time did this paper remain in the back apartment before you took it out and put it in your pocket-book? A. I should think not a great while; but I cannot be explicit as to that.

Q. According to the best of your recollection how long?

A. According to the best of my recollection I had that in my pocket, I should think, two or three days.

Q. Well, that is very pertinent to something I may ask you by and by. A. Well, I cannot say.

Q. Do you understand my question, Sir? A. If I understand your question, you wish me to say how many days, or precisely how long that lay in the back part of the drawer before I put it into my pocket?

Q. Yes, Sir. I did not say "precisely," but I said according to the best of your recollection. A. Well, I don't recollect.

Q. Now, you seem to understand the question; will you answer it? A. I don't recollect.

Q. Tell me, according to the best of your impression. A. The best of my recollection is—the best of my impression is that I cannot tell exactly what time it was.

Q. I didn't ask you to tell me exactly. A. I cannot tell you; I have no criterion by which I can recollect.

Q. According to the best of your recollection, did it remain in the back drawer a week before you took it out?

A. I could not tell you, Sir.

Q. What? A. I could not say certainly; I should think it did, however.

Q. Well, two weeks? A. I could not tell you, Sir, how long; it did not remain a great while.

Q. Well, you have said you should think longer than a week? A. Yes, Sir.

Q. How with regard to two weeks? A. I could not tell you, Sir.

Q. Well, what do you think about it? A. I have no recollection about it.

Q. Well, you say it remained there longer than a week; how long, longer than a week, should you think?

A. I could not tell you, Sir.

Q. Why, if you think it remained there longer than a week, you must have some impression about it? A. The only impression that I have about it is that it did not remain there a great while.

Q. Then you took it out, folded it up, and put it in your pocket-book? A. I put it in my pocket; yes, Sir.

Q. Do you remember how many times you folded it?

A. No, Sir; I do not; I don't remember. It is folded; I don't remember anything about that matter.

Q. What? A. It is folded now; it was folded when I put it into my pocket-book.

Q. Is your eyesight good enough to see whether the holes of the check and the paper correspond, placing those pin holes together? A. I can't see the pin holes.

Q. Can't see the pin holes? A. No, Sir.

Q. Have you the pocket-book in which you kept it?

A. I have, yes, Sir.

Q. Let us see it.

The Witness [Producing his pocket-book]—There, if I recollect right it was kept in that compartment.

Q. Now, fold it up as you kept it there; don't tear it.

The Witness—Will you have the kindness to fold it; I cannot see.

Mr. Beach—Well, I have put it in the folds as they are.

[Folding paper and handing it to witness, who tried to put it in the pocket-book.] Well, that is enough; you needn't put it in. Then you folded it twice? A. I don't recollect.

Q. What? A. I don't recollect anything about it; I don't recollect.

Q. Well, you must have folded it three times. There it is; you see it, don't you? A. Folded it so it would go in there.

Q. Well, you folded it three times, did you not? A. Do you expect I recollect from that time until now how many times I folded that piece of paper, as though I had nothing else to think of?

Q. Well, there is the pocket-book, there is the paper. You know it is folded to go in there, and you see it won't go in without folding, don't you?

Mr. Evans—That is reasoning; not memory.

Mr. Beach—I ask him to look at this paper and tell me how many times he folded it to put it into this pocket-book.

The Witness—I can't tell you anything about it.

Q. No; but looking at the paper and your pocket-book, and making the experiment, you can tell? A. Well, you can tell—

Q. Can you tell? I want to get it on the record. A. You can get it on the record as soon as you please; I put it into my pocket-book.

Q. You take that paper with your pocket-book and tell me how many times you folded it to get it into your pocket-book? A. Well, it requires the folding that it has now to get in there.

Q. That is three foldings, isn't it? A. Well, I can't see, Sir.

Q. Look at it—yes, you can see that; I know better! A. That is one—

Q. That is one, and that two, and that three—that makes three, doesn't it? A. Well, I don't see three—unless you count one, two, three.

Q. This is one, ain't it, to fold it this way? A. Oh, yes, Sir.

Q. And that is another, and that is another? A. That is another.

Q. How long did you carry it in your pocket-book? A. Well, from the time I put it into it until the other day, in my pocket-book.

TO WHOM THE YELLOW PAPER WAS SHOWN.

Q. Did you have it out at any time? A. I have.

Q. How many times? A. I could not tell you how many times.

Q. When did you first have it out? A. I don't recollect of ever showing that—

Q. Wait a moment; when did you first have it out according to your recollection? A. Can't tell you, Sir, only—I can't say that since a particular time.

Mr. Evans—That is, taking it out, showing it.

Mr. Beach—I don't